IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 29819 of 2003(Y)

PETITIONER:

P.G.SAJAN, POOTHOT HOUSE, ALA
REPRESENTED BY HIS FATHER AND POWER OF ATTORNEY HOLDER P.N.GANGADHARAN, POOTHOT HOUSE, ALA, P.O.KOTHAPARAMBA.

BY ADV. SRI.A.JAYASANKAR
SRI.C.ANIL KUMAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, CO-OPERATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.

3. ALA SERVICE CO-OPERATIVE BANK LTD. NO.R 321, REPRESENTED BY ITS SECRETARY, SANTHIPURAM P.O. 680 668.

BY ADV. SRI.ASOK M.CHERIAN --R3
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 29819/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TOKEN DT. 28/12/98 BY R3.

EXT.P1A. COPY OF THE REVERSE SIDE OF EXT. P1.

EXT.P2. COPY OF THE ORDER DT. 13/3/01 BY R2.

EXT.P3. COPY OF THE REVISION APPLICATION DT. 19/6/2001 BY THE PETITIONER BEFORE THE R1.

EXT.P4. COPY OF THE ORDER DT. 12/5/2003 BY R1.

True copy

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KURIAN JOSEPH, J

W.P. (C) No.29819 of 2003

Dated this the 26th day of February 2007

JUDGMENT

The petitioner is aggrieved by the steps taken by the 3rd respondent Bank for auction of the gold ornaments in order to realise the dues from the petitioner. According to the society, the petitioner had pledged ornaments on execution of bond agreeing to repay the amount within six months. The contention of the petitioner is that petitioner had 12 months time to repay the amount.. Petitioner pursued the matter before the Joint Registrar and thereafter before the Government. Both the authorities, based on the bond said to have been executed by the petitioner, where the time is only six months, rejected the contentions. Since there is a remedy before the Co-operative Arbitration Court. It will open to the petitioner to take recourse to such remedy. It is made clear that this judgment shall not stand in the way of petitioner taking recourse to such remedy.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

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